

Application No: 10/604469

REMARKS

Let us look carefully at the basis of the claims rejections to see why there is no basis for any of the rejections. The quotation of 35 U.S.C. 103(a) "which form the basis for all obviousness rejections set forth in the office action" as the examiner states. It relies heavily on the fact that the examiner can comprehend what ordinary skill in the art he or she is examining is. From viewing all the communications these examiners have written it is clear that they do not know what ordinary skill in this art is and will not. A person with ordinary skill in this art is someone who is allowed to actually use such a devices to perform the life saving procedures at critical times when a patient needs it. It requires that the person with this ordinary skill has dissected the structures and on a human body and studied the organs and vascular and pulmonary structures to the highest degree as taught in United States medical schools. It would require that person with such "ordinary skill" to excel in medical school to be selected for training which few of the graduates can attain. It would require that person be allowed to perform these procedures on live patients, where one is attempting to access the pulmonary system in an emergent manner to relieve acute airway obstruction. This would require to person of "ordinary skill" to be selected for emergency medicine or thoracic surgery training. It would require this person of "ordinary skill" to perform at a high level for 110-130 hrs/wk to be allowed the privilege to handle these devices at critical times to save patients lives. To still perform these tasks in the middle of the night, even though you have been awake for 40hrs. There is no substitute for actually having the experience, skill and medical knowledge which comes from over